

REMARKS

Claims 1-11 were pending in this application. Claims 4, 5, 8, and 9 are cancelled. Claims 1 and 7 are amended. No new subject matter is believed to have been added by these amendments. Therefore, claims 1-3, 6, 7, 10, and 11 remain in this application.

Claim 1 has been amended to incorporate the limitations of cancelled claim 4. Claim 7 has been amended to include the limitations of claim 8, as well as the limitations of non-dependent claim 4 (which, however, further defines the first and second material with respect to independent claim 1) and to require that the second material is electrically connected to the first material.

35 U.S.C. § 102 Rejections

Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b) for anticipation by Japanese Patent JP 11-155857 to Takashi et al. (hereinafter “the Takashi patent”) and claims 1, 2, 7, 8, 10, and 11 stand rejected for anticipation by United States Patent No. 3,794,866 to McElroy et al. (hereinafter “the McElroy patent”).

The following arguments are set forth with respect to amended independent claim 7. The Applicant wishes to clarify the meaning of the word “adjacent” as used in the present application and recited in the claims. On page 2, lines 8-9 of the specification of the present application, it is discussed how “[t]he fibers, clusters of fibers, or rods must be exposed at least on the surfaces of the acoustic layer that is in contact with the piezoelectric material.” Accordingly, the second material is directly in contact with the first material and no intermediary layer is disposed therebetween. The absence of any such intermediary layer and the fact that the second material directly contacts the first material is shown in the drawings of the present application (e.g., FIG. 9). Furthermore, the American Heritage Dictionary of the English Language, Fourth Edition (© 2000) by Houghton Mifflin Company, defines “adjacent” as “(1) Close to; lying near: adjacent cities; [or] 2) Next to; adjoining.” In light of the specification, the drawings, and the accepted dictionary definition of “adjacent”, the Applicant respectfully requests that the Examiner construe “adjacent” to mean that no other layer is between the first and second material and that they directly contact each other. If the Examiner requires that the Applicant’s meaning of “adjacent” be unambiguously recited in the claims, the Applicant is willing to substitute the word “adjacent” with the synonym “adjoining.”

The McElroy patent does not disclose that the first material (afforded element 56 by the Examiner) is adjacent to the second material (afforded element 53 by the Examiner), as there is an electrode layer (44) situated therebetween. Amended independent claim 7 also requires that the second

material be electrically bonded to the first material (see paragraph [0021] of the specification). The McElroy patent does not teach, suggest, or disclose electrical bonding. In fact, the McElroy patent shows that mechanical means or chemical bonding agents are used to bond the second material to the electrode layer (44) (see column 8, lines 52).

Similarly, the Takashi patent does not disclose that the second material (afforded element 9 by the Examiner) is electrically bonded to the first material (afforded element 10 by the Examiner). In fact, there can be no electrical bond between the first and second material in the Takashi patent because the first material is disclosed as being "nylon, polyurethane, an epoxy resin, [and] plastic material" (see paragraph [0014]). Even more so, the Examiner has acknowledged that "neither [the Takashi or McElroy patent] shows their first material being electrically conductive and the second material as being also electrically conductive." Therefore, the prior art of record does not teach, suggest, or disclose that the first and second material are (or can be) electrically bonded to each other, as is set forth in amended independent claim 7.

For the foregoing reasons, the Applicant believes that the subject matter of amended independent claim 7 is not anticipated by the McElroy or Takashi patent. Claims 10 and 11 depend from and add further limitations to amended independent claim 7 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 7. Reconsideration of the rejections of claims 7, 10, and 11 is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) for obviousness based upon the Takashi or McElroy patents in view of the Examiner's assertion that the subject matter of claims 4 and 5 are nothing more than an "obvious design choice." Claim 1 has been amended to incorporate the limitations of cancelled claim 4, thereby, requiring both the first material and the second material to be electrically conductive.

As discussed above with respect to the anticipation rejections, the purpose of the first material being electrically conductive and the second material being electrically conductive is to allow the two materials to be electrically bonded to each other. Accordingly, the selection of electrically conductive first and second materials cannot be dismissed as simply and obvious matter of design choice. Furthermore, there is no teaching or suggestion in either the Takashi or McElroy patents that would allow a person having ordinary skill in the art to employ electrically conductive first and second materials at the time of the invention of the present application, as none of the prior art of record teaches or suggests

electrically bonding the first material to the second material. Thus, there is no motivation to make both the first and second materials electrically conductive, as set forth in the limitations of amended claim 1.

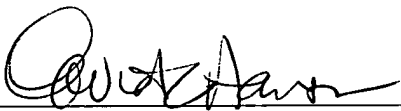
For the foregoing reasons, the Applicant believes that the subject matter of amended independent claim 1 is not rendered obvious. Claims 2, 3, and 6 depend from and add further limitations to amended independent claim 1 and are believed to be patentable for the reasons discussed hereinabove in connection with amended independent claim 1. Reconsideration of the rejections of claims 1-3 and 6 is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-3, 6, 7, 10, and 11 are respectfully requested.

Respectfully submitted,

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